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Law No. 28— A Law to Establish the Lagos State Security Trust Fund and for other
Connected Purposes

A 417-425



MR BABATUNDE FASHOLA (SAN)
Governor of Lagos State

Law No. 28

2007

Lagos State of Nigeria

A LAW TO ESTABLISH THE LAGOS STATE SECURITY TRUST FUND AND FOR OTHER CONNECTED PURPOSES

(3rd September 2007)

Commence-
ment.

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. There is established a fund to be known as the Lagos State Security Trust Fund ("referred to in this Law as "the Fund"), which shall be the depository of all monies received under this Law.

Establishment
of the Lagos
State Security
Trust Fund.

2. The objectives of the Trust shall be to provide money for the acquisition and deployment of security equipment and such human, material and financial resources as shall be found necessary for the effective functioning of all Federal, State, Local Government and other security agencies operating in the State and part of the Fund shall be reserved for the training and retraining of security personnel.

Objectives
of the Trust.

3.—(1) There is established a Board of Trustees to be known as the Lagos State Security Trust Fund Board of Trustees (referred to in this Law as "the Board").

Establishment
of Board of
Trustees.

(2) The Board shall —

- (a) be a body corporate with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate name;
- (c) be capable of holding, purchasing, acquiring and disposing of any property movable and immovable.

4.—(1) The Board shall consist of the following members—

Membership
of the Board.

- (a) a Chairman, who shall not be less than 45 years of age and shall be a person of impeccable character whose appointment shall be ratified by the House of Assembly;
- (b) three members appointed from the private sector to represent the business and financial community;

- (c) two members appointed from the Public Service of the State;
- (d) a representative each of the following security agencies operating in the State-
 - (i) Nigeria Police Force;
 - (ii) Armed Forces; and
 - (iii) State Security Services.
- (e) one representative of the Traditional/ Religious institutions;

(2) The Chairman and other members shall be appointed by the Governor:

Provided that no new appointment shall create a need for a new conveyance or assignment of any interest in land or chattel or affect the right to recover any debt that is subject of the Trust Fund.

(3) Any certificate signed by or on behalf of the Governor which gives the names of the Chairman and members of the Board on a specified date shall be receivable in evidence without further proof and shall be deemed to state accurately the names of persons who constitute the Board on the date so specified.

Tenure
of office.

5. The Chairman and members of the Board shall hold office for a term of four (4) years and shall be eligible for re-appointment for one further term of four (4) years and no more.

Remuneration.

6. The Chairman and other members of the Board shall be paid such remuneration as the Governor may determine from time to time.

Cessation of
membership.

7.—(1) The Chairman or a member of the Board shall cease to hold office if he:

- (a) resigns his appointment by giving two months notice in writing to the Governor;
- (b) becomes of unsound mind;
- (c) becomes a bankrupt or makes a compromise with his creditors;
- (d) is convicted of a felony or any offence involving dishonesty;

(e) is guilty of serious misconduct in relation to his duties.

(2) The Chairman or any other member of the Board may be removed from office by the Governor, if he is satisfied that it is not in the interest of the Fund or the interest of the public that the Chairman or such a member should continue in office.

8.—(1) The functions of the Board shall be to—

Functions of
the Board.

- (a) manage the Fund established under this Law and all other properties that may from time to time be vested in it for the benefit of the people of Lagos State;
- (b) procure and maintain equipment, including but not limited to patrol vehicles, armoured personnel carriers, water canons, protection vans, unimogs, lorries, buses, recovery vehicles and helicopter as may be required for use in Lagos State by Federal, State and Local Government Security Agencies after the necessary approval must have been obtained from appropriate Federal agencies;
- (c) establish and maintain a central logistic base for equipment, vehicles, and other necessities for use by the Federal, State and Local Government Security Agencies and such other squad, force or programme as may be approved or recognized from time to time by the Government of Lagos State;
- (d) take out and maintain all such policies of insurance as it may deem expedient for the protection of the trust property and any deserving security officer, person or group as may be determined by the Board;
- (e) pay or reward any person for services rendered or to be rendered to it;
- (f) pay and discharge out of the Trust property all expenses properly incurred by it or by any of its members;
- (g) ensure at all times in the management of the Fund that the Fund shall have sufficient money and materials to offer support for the protection of lives and property in Lagos State;
- (h) regulate the activities of the private security agencies;
- (i) advise the Governor on:

- (i) the activities of the Federal, State and Local Government Security Agencies comprising officers of the Armed Forces, the Police, National Drug Law Enforcement Agency, Immigration, Custom and Excise, State Security Services, Prison Services and other relevant agencies;
- (ii) any matter relating to the implementation of programmes and recommendations of the Lagos State Security Committee or other similar agencies;
- (iii) any matter connected with security and law enforcement in the State; and
- (iv) any matter relating to the welfare of law enforcement personnel in the State.

(2) The Board shall invest any part of the Trust property which consist of money in a fixed deposit in any reputable Bank in Nigeria, provided that a receipt in writing issued by the Chairman and two other members of the Board for any money, security or other personal property or effects paid, transferred or delivered to the Board shall be sufficient discharge to the person or company paying, transferring or delivering the same and shall effectively exonerate such person or company from seeing to the application or being answerable for any loss or misapplication.

Source and
allocation of
Funds.

9.—(1) The Board shall have power to raise money for the Fund through voluntary subscription and donations from all interested Government Agencies, Private Organisation and Individual, including but not limited to-

- (a) State Government subventions;
- (b) contributions from the Federal Government and Local Government Councils;
- (c) financial and material donations from the private sector, including provision of vehicle maintenance services, logistics support, street lightening, surveillance equipment, road infrastructure and environmental beautification;
- (d) other financial or material aid, gifts, awards or;
- (e) any other form of levy or support from any other source.

(2) In deploying its fund and other resources, the Board shall give preference to programmes which appear likely to-

- (a) discourage small arms proliferation;
- (b) reduce incidents of violent crimes;
- (c) eliminate the menace of Area Boys/Street Urchins;
- (d) stamp out the use of motorcycles and commuter buses for criminal activities;
- (e) improve the efficiency of security systems and law enforcement agencies operating in the State; and
- (f) guarantee the overall security of lives and property in the State.

(3) Notwithstanding anything in subsection (2) above, the Board shall have the discretion to determine the appropriate allocation of Trust Funds and property among security agencies operating in the State and to exercise its powers in such manner as it considers fit towards achieving any of its objectives under this Law.

10.—(1) There shall be for the Fund an Executive Secretary who shall:

Appointment
of Executive
Secretary and
other staff.

- (a) be appointed by the Governor on such terms as to emolument and conditions of service as the Governor may specify;
- (b) be a person with relevant academic and professional qualification.
- (c) have a good knowledge of administration;
- (d) be the Chief Executive and accounting officer of the Fund;
- (e) hold office for a period of five years in the first instance; and
- (f) be eligible for re-appointment for a further term of five years and no more;

(2) The Executive Secretary shall, subject to the general direction of the Board of Trustees, be responsible for-

- (a) the day-to-day administration of the Fund;
- (b) the administration of the secretariat of the Board;
- (c) keeping the books and proper records of the proceedings of the

Board; and

(d) the general direction and control of all other employees of the Fund.

(3) The Board of Trustees shall have power to-

(a) employ either directly or on transfer or secondment from the State Civil Service such number of employees as may in the opinion of the Board be required to assist the Board and the Executive Secretary in the discharge of their functions under this Law; and

(b) pay to persons so employed such remuneration and allowances as may be approved by the Governor on the recommendation of the Board.

(4) Employees in the Fund shall be entitled to pension, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the Civil Service of the State.

(5) Nothing in subsection (4) above shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(6) The Board may also appoint consultants or enter into contracts as it deems necessary for the efficient performance of its functions under this Law.

Meeting of
the Board.

11.—(1) The Board shall meet at least once in a month and extraordinary meetings may be convened in case of exigencies.

(2) The Chairman may convene as many meetings of the Board as he considers necessary for the efficient conduct of its affairs; provided that the Chairman or, in his absence, a member appointed from the private sector shall preside at such meeting.

(3) A minimum of seven members shall form the quorum for a meeting.

(4) Any issue arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting.

(5) The person presiding has a deliberative vote and, in the event of an equality of votes on any issue, a casting vote.

(6) Subject to this Law, the Board may regulate its own proceedings.

12.—(1) If a member has any interest in a matter which he is considering or is about to consider in the course of performing his duties as a member, he shall as soon as practicable after the relevant facts have come to his knowledge declare the nature of that interest to the Board.

Declaration
of any
interest.

(2) Unless the Board by a simple majority of members present and voting otherwise directs, if a member has made a declaration under this section, the member shall not take any further part in any decision in relation to the matter.

(3) A failure to comply with this section may not affect the validity of any act or decision of the Board.

13.—(1) Bank Account—

Account
and Audit.

(a) the Trust shall maintain accounts in any reputable Bank as may be approved by the Board.

(b) the signatories to the account shall be—

(i) the Executive Secretary; and

(ii) a member appointed from the private sector.

(c) the Board shall keep proper accounts and records in relation to all its transactions in conformity with standard commercial practice.

(2) Audit

The Board shall—

(a) cause to be prepared not later than 31st day of October in each year, an estimate of income and expenditure of the Trust;

(b) cause the account to be audited annually by external auditors appointed by the Board from a list of approved auditors provided by the Auditor-General of the State;

(c) submit to the Accountant-General and the Governor, a—

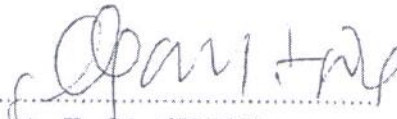
(i) copy of the audited account of the Board;

(ii) copy of the general report and full report of the external auditor;

(iii) detailed report of the state of affairs of the Board for the financial year, including a statement of the change in the general Fund arising from the activities of the Board during the year reported upon.

Annual Report.	<p>14.—(1) The Board shall cause to be prepared and submitted an annual report of its activities to the Governor in accordance with the provisions of this Law.</p> <p>(2) The annual report shall include a copy of the audited accounts of the Trust for that year and the auditor's report on those accounts.</p> <p>(3) The Board shall publish its annual report in two national daily newspapers circulating within the State and on the internet.</p>
Exemption of the Fund from Tax.	<p>15. The Board, the Fund and its properties shall not be liable to tax by any Government or Authority in the State and contributions to the Fund shall be recognized for tax purposes as expenditure towards the sustenance of the donor's business.</p>
Restriction on Execution.	<p>16. No execution or attachment of process shall be issued against any property vested in the Board except with prior knowledge and consent of the Attorney-General of Lagos State.</p>
Interpretation.	<p>17. In this Law, unless the context otherwise requires:</p> <p>“Attorney-General” means the Attorney-General of Lagos State of Nigeria;</p> <p>“Board” means the Lagos State Security Trust Fund Board of Trustees;</p> <p>“Chairman” means chairman of the Board;</p> <p>“Employee” means any person who is employed in Nigeria under any contract of service or apprenticeship with the employer whether contract is express, implied, oral or in writing;</p> <p>“Fund” means Lagos State Security Trust Fund established by this Law;</p> <p>“Governor” means the Governor of Lagos State of Nigeria;</p> <p>“State” means Lagos State of Nigeria.</p>
Citation and Commencement.	<p>18. This Law may be cited as the Lagos State Security Trust Fund Law, 2007 and shall come into force on the 3rd day of September 2007.</p>

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.



A. T. OLATUNJI

Clerk of the House of Assembly

Assented to by me, this 3rd day of September 2007.



MR BABATUNDE RAJI FASHOLA (SAN)

Governor of Lagos State

Assent withheld by me, this.....day of.....2007.

MR BABATUNDE RAJI FASHOLA (SAN)

Governor of Lagos State

Passed again by the Lagos State House of Assembly by two-thirds majority.

this.....day of.....2007.

RT. (HON.) ADEYEMI S. IKUFORJI

Speaker of the House of Assembly